

FEDERAL REGISTER

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Washington, Friday, August 25, 1939

The President

EXECUTIVE ORDER

FURTHER AMENDING EXECUTIVE ORDER NO. 7677-A, OF JULY 26, 1937, AS AMENDED, ENTITLED "CIVILIAN CONSERVATION CORPS"

By virtue of and pursuant to the authority vested in me under the act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937 (50 Stat. 319), as amended by the act of May 12, 1938 (52 Stat. 349), and the act of June 25, 1938 (52 Stat. 1198), Executive Order No. 7677-A of July 26, 1937, entitled "Civilian Conservation Corps", as amended by Executive Order No. 7717 of September 29, 1937, and Executive Order No. 8133 of May 15, 1939,¹ is hereby further amended to read as follows:

1. Reserve officers of the Army and officers of the Naval and Marine Corps Reserves and warrant officers of the Coast Guard on active duty with the Civilian Conservation Corps will be relieved from such duty under their commissions, such relief to be effected gradually and completed on or before December 31, 1939. No additional reserve officers will be ordered to active duty with the Civilian Conservation Corps nor will the detail of any such officers now on such duty be extended or renewed; except that when it may be necessary to retain a reserve officer on active duty whose current tour of active duty expires at an early date, such officer's tour of active duty may be extended for a period terminating not later than September 30, 1939. With the exceptions authorized in the preceding sentence, reserve officers will be relieved from active duty as their current tours of active duty are terminated, and, in any event, not later than December 31, 1939.

2. The Director of the Civilian Conservation Corps is authorized, subject to

the limitations and restrictions contained in section 3 of the said act of June 28, 1937, to undertake projects on lands belonging to or under the jurisdiction or control of counties and municipalities, and on lands in private ownership.

3. The Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and the Administrator of Veterans' Affairs are requested to cooperate with the Director of the Civilian Conservation Corps in carrying out the purposes of the said act of June 28, 1937, as amended. Each of the said Secretaries and the said Administrator shall appoint a representative who shall, upon request of the Director, confer with him and under his direction aid him in prosecuting effectively the purposes contemplated by the said act, as amended.

4. This order shall take effect as of July 1, 1939.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
August 21, 1939.

[No. 8221]

[F. R. Doc. 39-3120; Filed, August 24, 1939;
10:30 a. m.]

EXECUTIVE ORDER

EXEMPTING CERTAIN POSITIONS FROM SALARY CLASSIFICATION

By virtue of the authority vested in me as President of the United States, it is hereby ordered that there be exempted from the operation of Executive Order No. 6746 of June 21, 1934, the positions of consultants, experts, specialists, attorneys, and other similar positions, the incumbents of which are intermittently employed on a per diem basis or employed on an annual basis at amounts representing the value of part-time service required, and who are or have been paid from the public works or other emergency funds administered by the Federal Works Administrator through the Commissioner of Public Works and

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¹ 2 F.R. 1346, 2087; 4 F.R. 2043 DI.



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available during the fiscal years 1940 and 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 21, 1939.

[No. 8222]

[F. R. Doc. 39-3121; Filed, August 24, 1939;
10:30 a. m.]

EXECUTIVE ORDER

MODIFYING EXECUTIVE ORDER NO. 1919½ OF APRIL 21, 1914, AND RESERVING CERTAIN LANDS FOR USE OF THE ALASKA ROAD COMMISSION FOR AVIATION FIELD PURPOSES

ALASKA

By virtue of and pursuant to the authority vested in me by the act of March 12, 1914, 38 Stat. 305, 306, and the act of June 25, 1910, c. 421, 36 Stat. 847, it is ordered as follows:

SECTION 1. Executive Order No. 1919½ of April 21, 1914, withdrawing and reserving certain land in Alaska for town-site purposes, is hereby modified to the extent necessary to permit the following-described town-site lands to be used

by the Alaska Road Commission for aviation field purposes, and such lands are hereby reserved and set apart for such use:

NENANA TOWN-SITE

S½ Block 38 and all Block 45

SECTION 2. This order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 21, 1939.

[No. 8223]

[F. R. Doc. 39-3122; Filed, August 24, 1939;
10:30 a. m.]

Rules, Regulations, Orders

TITLE 14—CIVIL AVIATION

CIVIL AERONAUTICS AUTHORITY

REGULATIONS GOVERNING PRESERVATION AND REMOVAL OF AIRCRAFT INVOLVED IN ACCIDENTS

At a session of the Air Safety Board held at its office in Washington, D. C., on the 11th day of July 1939:

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly section 702 (d) thereof, and finding that such action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Air Safety Board makes, prescribes and issues the following regulations:

(1) *Preservation.* Any aircraft, aircraft engine, propeller, or appliance affected by, or involved in, an accident in air commerce shall be preserved as found subsequent to such accident, until released by the Air Safety Board of the Civil Aeronautics Authority.

(2) *Removal.* No aircraft, aircraft engine, propeller, or appliance affected by, or involved in, an accident in air commerce shall be moved or disturbed unless specific permission shall have been granted by the Air Safety Board except:

(a) When necessary for the purpose of giving assistance to persons injured or trapped in the wreckage; or

(b) When necessary in the interest of public safety.

NOTE: Any aircraft, aircraft engine, propeller, or appliance, or any part of parts thereof, involved in an accident in air commerce, shall, when directed by the Air Safety Board, be removed to such place or places as the Board may direct, for purposes of safekeeping, inspection, testing, or use by the Air Safety Board in the exercise and performance of its rights and duties.

By the Board.

R. D. HOYT,
Executive Officer.

[F. R. Doc. 39-3117; Filed, August 24, 1939;
9:36 a. m.]

RULES AND REGULATIONS GOVERNING NOTIFICATION AND REPORT OF ACCIDENTS INVOLVING AIRCRAFT

At a session of the Air Safety Board held at its office in Washington, D. C., on the 11th day of July 1939:

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly section 702 (a) (1) thereof, and finding that such action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Air Safety Board makes, prescribes and issues the following rules and regulations:

(1) *Notification.* When death or serious injury to person or substantial damage to property results from an accident involving aircraft, the airman concerned and the registered owner or operator of the aircraft, if physically able, shall notify the Air Safety Board of the Civil Aeronautics Authority immediately, either in person or by telegraph or telephone, stating the registered number of the aircraft and the time, place and nature of the accident: *Provided*, That notification, for the attention of the Air Safety Board, to the Civil Aeronautics Authority or any of its inspectors, shall be deemed to constitute notification to the Air Safety Board in accordance with this paragraph. If notification is to be given direct to the Air Safety Board, such notification may be made to either the principal office of the Air Safety Board in Washington, D. C., or to its nearest known branch office or field representative.

(2) *Report.* All accidents involving aircraft which cause death or injury to person, or damage to the aircraft or other property, shall be reported without delay by, or on behalf of, the airman and by, or on behalf of, the registered owner or operator of the aircraft to the Air Safety Board of the Civil Aeronautics Authority at its nearest office. Such reports shall be submitted on accident report forms provided for this purpose by the Air Safety Board and shall include all facts, conditions, and circumstances relating to the accident and all pertinent information for which space is provided on the report form.

By the Board.

R. D. HOYT,
Executive Officer.

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 18th day of July 1939:

Acting pursuant to section 702 (a) (1) of the Civil Aeronautics Act of 1938, the Civil Aeronautics Authority approved the above rules and regulations of the Air Safety Board.

By the Authority.

PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-3118; Filed, August 24, 1939;
9:37 a. m.]

TITLE 25—INDIANS OFFICE OF INDIAN AFFAIRS

TEMPORARY WITHDRAWAL OF LANDS MODIFYING NEW MEXICO GRAZING DISTRICT NO. 2 AND DEPARTMENTAL WITHDRAWALS OF JULY 8, 1931 AND OCTOBER 11, 1934

MAY 31, 1939.

By virtue of and pursuant to the provisions of the Act of June 28, 1934 (48 Stat. 1269), as amended by the Act of June 26, 1936 (49 Stat. 1976), it is ordered that Departmental order of March 27, 1936, establishing New Mexico Grazing District No. 2, be, and it is hereby modified to exclude therefrom the lands described below. It is further ordered that Departmental withdrawal of October 11, 1934, made pursuant to authority found in Section 4 of the Act of March 3, 1927 (44 Stat. 1347), temporarily withdrawing certain public domain for exchange purposes as contemplated by the Act of March 3, 1921 (41 Stat. 1225-1239) is hereby modified to exclude therefrom the lands described below; and under authority of Section 4 of the Act of March 3, 1927, supra, all public domain within the areas of the lands described below and all those lands within said areas relinquished and reconveyed to the United States in exchanges made pursuant to the Act of March 3, 1921, supra, are hereby temporarily rewithdrawn from settlement, location, sale, entry or other form of disposition in aid of proposed legislation to add the said lands to the Indian reservations contiguous thereto. Pending the enactment of such legislation the Commissioner of Indian Affairs is hereby authorized to administer all public lands within the areas described herein.

This order is subject to all valid existing rights.

The following described lands are hereby made subject to this order:

Bernalillo, Sandoval, Valencia and McKinley Counties, New Mexico.

New Mexico Principal Meridian

T. 9 N., R. 1 W.
Sections 4, 5 and 6.
T. 10 N., R. 1 W., All.
T. 11 N., R. 1 W.
Sec. 28, Lots 3, 4, 5, 6, 7 and SW $\frac{1}{4}$.
Sec. 29, Lots 1, 2, 3, 4 and S $\frac{1}{2}$.
Sec. 30, Lots 1, 2, 3, 4, 5, 6, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$.
Sec. 31, All.
Sec. 32, All.
Sec. 33, Lots 1, 2, 3, 4, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ W $\frac{1}{2}$.
T. 9 N., R. 2 W., All.
T. 10 N., R. 2 W., All.
T. 11 N., R. 2 W., All.
T. 12 N., R. 2 W., All.
T. 13 N., R. 2 W.
Sec. 20, Lots 1 and 2.
Sec. 21, Lots 1, 2, 3, 4, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$.
Sec. 22, Lots 3, 4 and 5.
Sec. 27, Lots 1, 2, 3 and 4.
Sec. 28, All.
Sec. 29, Lots 1, 2, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$.
Sec. 30, Lots 1, 2, 3, 4, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$.
Sec. 31, Lots 1, 2, 3, 4 and E $\frac{1}{2}$ E $\frac{1}{2}$.
Sec. 32, All.
Sec. 33, All.
Sec. 34, Lots 1, 2, 3 and 4.
T. 9 N., R. 3 W., All.
T. 10 N., R. 3 W., All.
T. 11 N., R. 3 W., All.

T. 12 N., R. 3 W., All.
T. 11 N., R. 4 W.
Sec. 1, Lots 1, 2, 3, 4, 5, S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$.
Sec. 12, Lots 1, 2, 3, 4, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$.
Sec. 13, Lots 1, 2, 3, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$.
Sec. 14, Lot 1.
Sec. 23, Lots 1, 2, 3, 4 and 5.
Sec. 24, Lots 1, 2, 3, 4 and N $\frac{1}{2}$ N $\frac{1}{2}$.
T. 12 N., R. 4 W.
Sec. 12, Lots 1 and 2.
Sec. 13, Lots 1, 2, 3, 4 and E $\frac{1}{2}$.
Sec. 24, Lots 1, 2, 3, 4 and E $\frac{1}{2}$ E $\frac{1}{2}$.
Sec. 25, Lots 1, 2, 3, 4 and E $\frac{1}{2}$ E $\frac{1}{2}$.
Sec. 36, Lots 1, 2, 3, 4 and E $\frac{1}{2}$ E $\frac{1}{2}$.
T. 8 N., R. 16 W., W $\frac{1}{2}$.
T. 8 N., R. 17 W., All.
T. 8 N., R. 18 W., All.
T. 8 N., R. 19 W., All.
T. 10 N., R. 19 W., All.
T. 11 N., R. 19 W., S $\frac{1}{2}$.
T. 8 N., R. 20 W., All.
T. 10 N., R. 20 W., All.
T. 11 N., R. 20 W., S $\frac{1}{2}$.
T. 8 N., R. 21 W., All.
T. 9 N., R. 21 W., All.
T. 10 N., R. 21 W., All.
T. 11 N., R. 21 W., S $\frac{1}{2}$.

HARRY SLATTERY,
Acting Secretary of the Interior.

[F. R. Doc. 39-3115; Filed, August 24, 1939;
9:36 a. m.]

TITLE 50—WILDLIFE BUREAU OF FISHERIES

SUBCHAPTER A—ALASKA FISHERIES

PART 208—KODIAK AREA FISHERIES

§ 208.13 is hereby amended to permit commercial salmon fishing with gill nets during the month of September in certain waters of Olga and Moser Bays, as follows:

§ 208.13 *Closed seasons, commercial salmon fishing, Alitak Bay.* Commercial fishing for salmon in Alitak Bay and all its branches within a line from Cape Trinity to Cape Alitak prior to 6 o'clock antemeridian June 15 and after 6 o'clock postmeridian August 15 in each year is prohibited: *Provided*, That this prohibition shall not apply to the use of set or anchored gill nets from 6 o'clock antemeridian September 1 to 6 o'clock postmeridian September 30 in waters of Olga and Moser Bays which are not closed throughout the year to commercial salmon fishing. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

PART 226—SOUTHEASTERN ALASKA AREA, SUMNER STRAIT DISTRICT, SALMON FISHERY

§ 226.9 is hereby amended to permit commercial salmon fishing with beach seines and gill nets in Wrangell Narrows from September 1 to September 15, as follows:

§ 226.9 *Closed seasons, commercial salmon fishing other than trolling; exceptions.* Commercial fishing for salmon other than trolling is prohibited, except in Ernest Sound, Zimovia Strait, and Bradfield Canal, prior to 6 o'clock antemeridian July 20 in each calendar year, from 6 o'clock postmeridian August 22 to 6 o'clock antemeridian October 1 in

each year, and for the remainder of each calendar year after 6 o'clock postmeridian October 15: *Provided*, That this prohibition shall not apply to the use of beach seines and gill nets in Wrangell Narrows, exclusive of all waters within one statute mile of the mouth of Petersburg Creek, from 6 o'clock antemeridian September 1 to 6 o'clock postmeridian September 15. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

HAROLD L. ICKES,
Secretary of the Interior.

AUGUST 22, 1939.

[F. R. Doc. 39-3116; Filed, August 24, 1939;
9:36 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

IN THE MATTER OF APPLICATION FOR EXEMPTION OF SPRING FRESHET DRIVING OF LUMBER IN STATES OF MICHIGAN, MINNESOTA AND WISCONSIN FROM MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938

Whereas the Timber Producers' Association of Minnesota filed an application with Elmer F. Andrews, Administrator of the Wage and Hour Division, United States Department of Labor for a determination that spring freshet driving of lumber in the States of Michigan, Minnesota and Wisconsin is a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526¹ of the Regulations issued thereunder, and

Whereas the Administrator determined, after a public hearing held before him in Washington, D. C., on April 17 and 18, 1939, that the spring freshet driving branch of the lumber industry conducted in the States of Maine, New Hampshire, New York and Vermont is entitled to the seasonal exemption provided in Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder, and

Whereas it appeared from the application filed by the Timber Producers' Association of Minnesota that spring freshet driving in Michigan, Minnesota and Wisconsin is similar in all material respects to spring freshet driving in Maine, New Hampshire, New York and Vermont, and

Whereas the Administrator published a preliminary determination in the FEDERAL REGISTER of July 25, 1939,² pursuant to Section 526.5 (c) of the Regulations, that a *prima facie* case was shown by the application for the granting of an exemption, pursuant to Section 7 (b) (3)

¹ 3 F.R. 2534, 3127 DI.

² 4 F.R. 3415 DI.

of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder, to the branch of the lumber industry in the States of Michigan, Minnesota and Wisconsin, which is engaged in spring freshet driving, and

Whereas no objection and request for hearing was received by the Administrator within fifteen days following the publication in the FEDERAL REGISTER of the said preliminary determination.

Now, therefore, pursuant to Section 526.5 (c) of the Regulations, the Administrator hereby finds upon the *prima facie* case shown in the said application that the spring freshet driving branch of the lumber industry in the States of Michigan, Minnesota and Wisconsin is a seasonal industry within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and the Regulations issued thereunder and, therefore, is entitled to the exemption provided in Section 7 (b) (3) of the said Act.

Signed at Washington, D. C., this 22nd day of August, 1939.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 39-3119; Filed, August 24, 1939;
10:29 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of August, A. D. 1939.

[File No. 46-136]

IN THE MATTER OF UTILITIES EMPLOYEES SECURITIES COMPANY

ORDER EXEMPTING INVESTMENT PROGRAM

Utilities Employees Securities Company, a subsidiary company of Associated Gas and Electric Company, a registered holding company, having duly filed with this Commission an application pursuant to section 9 (c) (3) of the Public Utility Holding Company Act of 1935, seeking an exemption from the provisions of section 9 (a) (1) of said Act, or in the alternative pursuant to section 10 (a) (1) of said Act, for the approval of a program of investing its future available funds;

The program as embodied in the application providing for the investment of at least sixty per centum of all proceeds derived from the sale of applicant's portfolio securities having maturity dates subsequent to March 31, 1940 of companies which are not predominantly public utility companies in the following first mortgage bonds of associate and affiliate companies:

First Mortgage Bonds of Operating Companies

Pennsylvania Electric Company: Penn Public Service Corporation—First and refunding mortgage bonds, Series C, 6% due 1947; First and refunding mortgage bonds, Series D, 5% due 1954; First and refunding mortgage bonds, Series F, 4% due 1971; First and refunding mortgage bonds, Series G, 4% due 1961; First and refunding mortgage bonds, Series H, 5% due 1962.

Erie Lighting Company: First mortgage fifty-year 5% sinking fund bonds, due 1967.

South Carolina Electric & Gas Company: Broad River Power Company—First and refunding mortgage 5% bonds, Series A, due 1954; The Parr Shoals Power Company—First mortgage 5% sinking fund bonds due 1952.

Eastern Shore Public Service Company: First mortgage and first lien twenty-year 5½% bonds, Series A, due 1947; First mortgage and first lien twenty-five year 5% bonds, Series B, due 1955.

The Maryland Light and Power Company: First mortgage 5½% bonds, Series A, due 1950.

Florida Power Corporation: First mortgage 4% bonds, Series C, due 1966.

Florida Public Service Company: First mortgage 4% bonds, Series C, due 1955.

Virginia Public Service Company: Newport News and Hampton Railway, Gas and Electric Company—First and refunding mortgage 5% bonds, due 1944.

Long Island Water Corporation: First mortgage 5½% bonds Series due 1955.

Metropolitan Edison Company: First mortgage bonds, Series D, 4½% due 1968; First mortgage bonds, Series E, 4% due 1971; First mortgage bonds, Series G, 4% due 1965; York Haven Water and Power Company—5% Fifty-Year bonds due 1951.

New York State Electric & Gas Corporation: Elmira Water, Light and Railroad Company—First consolidated mortgage 5% fifty-year gold bonds due 1956; First mortgage bonds, 4% Series due 1965; First mortgage bonds, 4½% Series due 1960; First mortgage bonds, 3¾% Series, due 1964.

Tracy Development Company: First mortgage 6% bonds due 1944.

Northern Pennsylvania Power Company: First and refunding mortgage bonds, Series A 5% due 1956; First and refunding mortgage bonds, 5% Series due 1962.

Staten Island Edison Corporation: Richmond Light and Railroad Company—4% First and collateral trust purchase money mortgage fifty-year bonds due 1952.

New Jersey Power & Light Company: First mortgage bonds, 4½% Series due 1960.

The remainder of the proceeds derived from sale of portfolio securities having maturity dates subsequent to March 31, 1940, of companies which are not predominantly public utility companies to be invested in the following preferred stocks and debentures:

Operating Company Debentures

Florida Power Corporation: 5% Sinking Fund debentures due 1946.

Operating Company Preferred Stocks

Metropolitan Edison Company: \$5, \$6, and \$7 Prior Preferred Stocks; and \$5, \$6, and \$7 Cumulative Preferred Stocks.

New Jersey Power and Light Company: \$5 and \$6 Cumulative Preferred Stocks.

New York State Electric & Gas Corporation: 5½% Cumulative Preferred Stock.

Florida Power Corporation: 7% Cumulative Preferred Stock; 7% Cumulative Preferred Stock, Series A.

Eastern Shore Public Service Company: \$6 and \$6.50 Cumulative Preferred Stock.

Holding Company Debentures

NY PA NJ Utilities Company: Metropolitan Edison Corporation—6% Secured Unconsolidated Refunding Bond due 1961. Mohawk Valley Company—6% Consolidated Refunding Bond due 1981, 6% Consolidated Refunding Bond due 1991, 6% Debenture due 2031; Rochester Central Power Corporation—5% Debentures, Series A due 1953; 5% Secured Debentures due 1956.

All other funds available for investment to be invested in the aforementioned first mortgage bonds.

A hearing on said application as amended having been duly held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered, That the proposed investment program of applicant be and the same hereby is exempt from the provisions of section 9 (a) (1) of the Public Utility Holding Company Act of 1935, subject, however, to the following conditions:

1. That the prosecution of the proposed investment program shall be in compliance with the terms and conditions of, and for the purposes represented by, said application as amended;

2. That applicant report to this Commission, on the twentieth day of each month following the date of the order herein, all acquisitions of securities during the preceding month. Such report shall, as to income bonds and notes of Utilities Employees Securities Company and as to debentures of New England Capital Corporation reacquired during such preceding month from such employees or their estates, show the

amount thereof, the price paid, whether such securities were originally issued to such employees, the name and address of the seller of such securities, and aggregate amount paid. Such report shall as to other securities purchased during such preceding month, specify each security acquired, the amount thereof, the cost per unit, the name of the broker or dealer through or from whom such security was purchased, the amount of all fees and commissions paid, and the total price for each purchase.

3. That all securities purchased (other than those originally acquired by employees from Utilities Employees Securities Company and New England Capital Corporation and repurchased at par from such employees or their estates) be purchased from or through brokers or dealers registered with this Commission under the Securities Exchange Act of 1934, and be not purchased directly or indirectly from associates or affiliates of applicant;

4. That applicant continue to follow the practice (so long as such practice does not constitute an illegal preference) of acquiring at par from estates of deceased employees, from employees who have left the System, and from employees who, in the opinion of the management or of those delegated by the management to decide such questions, are in dire financial need, the securities issued and sold by Utilities Employees Securities Company and by New England Capital Corporation to such employees;

5. That thirty days prior to the declaration of dividends on its Class A stock in excess of \$2 per share per annum, applicant file with this Commission a notification of intention to declare such dividends;

6. That not more than \$100,000 principal amount of any security (other than the income bonds and notes of Utilities Employees Securities Company and the debentures of New England Capital Corporation) be purchased during any twelve-month period;

7. That in purchasing securities, applicant shall not be exempt from any of the duties, responsibilities, or obligations under the Act, except those imposed by the provisions of section 9 thereof;

8. That applicant make no transfers from the reserve in its balance sheet entitled "Reserve for Guaranty Fund";

9. That this order shall terminate on February 17th, 1940, without prejudice to the right of applicant to apply for the extension or renewal thereof;

10. That the Commission reserve jurisdiction, after notice and opportunity for hearing, to revoke or modify this order if it appears that further purchases pursuant thereto would be inconsistent with any provisions of the Public Utility Holding Company Act of 1935, or any rule or regulation thereunder, or any terms or conditions of this order, or if it shall appear that further exemption

of such purchases from the provisions of section 9 (a) (1) of said Act will be detrimental to the public interest or the interest of investors or consumers. Pending final determination respecting the revocation or modification of this order, the Commission may summarily suspend any or all further purchases thereunder.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3123; Filed, August 24, 1939;
11:03 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23 day of August, A. D. 1939.

[File No. 56-58]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to Rule U-12D-1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on September 1, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 29, 1939.

The matter concerned herewith is in regard to the proposed sale by Consolidated Electric and Gas Company, a registered holding company, of certain se-

curities consisting of (1) Common Capital Stock and Unsecured Demand Notes of Citizens Gas Company, a subsidiary, and (2) Common Capital Stock, Preferred Stock, First Mortgage Bonds and Unsecured Demand Income Notes of Sussex Gas Company, a subsidiary, for a total consideration of \$250,000, plus certain accrued interest. The application states that the prospective purchaser is J. B. Whitworth, Chestertown, Maryland, acting as an individual, and that after giving effect to the foregoing transaction, the purchaser will hold 100% of the voting power of Citizens Gas Company and 93.4% of the total voting power of Sussex Gas Company. It is proposed to use all or substantially all of the proceeds of the sale in the retirement of outstanding debt securities of the applicant.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3124; Filed, August 24, 1939;
11:03 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of August, A. D. 1939.

[File No. 44-39]

IN THE MATTER OF ASSOCIATED GENERAL UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

An application under Rule U-12C-1 (b) pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on September 18, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobinger or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such

proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 13, 1939.

The matter concerned herewith is in regard to the proposed purchase in the

open market from time to time as funds are available, and the retirement of any of the applicant's outstanding debt securities—the total amount of which outstanding at June 30, 1939, was stated to be:

Income Bonds, due November 1, 1956, in principal amount.....	\$92,570
Income Debentures, due November 1, 1956, in principal amount	608.760

Income Debentures, due November 1, 1961, in principal amount	946.090
Total	1,647,420

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3125; Filed, August 24, 1939;
11:03 a. m.]